

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

KENNETH JACKSON,

Plaintiff,

v.

EXPERIAN INFORMATION SOLUTIONS,
INC., OCWEN LOAN SERVICING, LLC,
RESIDENTIAL CREDIT SOLUTIONS, INC.,

Defendants.

Case No. 1:15-cv-11140

Hon. Matthew F. Kennelly

RULE 11 MOTION FOR SANCTIONS

Defendant Experian Information Solutions, Inc. (“Experian”), by its undersigned counsel, hereby requests that this Court impose sanctions on Plaintiff, Kenneth Jackson, and his attorneys Sulaiman Law Group under Federal Rule of Civil Procedure 11(c). In support of this motion, Experian states as follows:

1. Plaintiff brought this action against Experian, a consumer reporting agency, alleging violations of the Fair Credit Reporting Act (“FCRA”) pursuant to 15 U.S.C. §1681.
2. To state a valid claim under the FCRA, a plaintiff must plead that they suffered actual damages resulting from a consumer reporting agency’s failure to comply with the act.
3. In paragraph 43 of his December 10, 2015 Complaint, Plaintiff alleges: “As a result of the conduct, actions, and inaction of Defendants, Plaintiff has suffered various types of damages as set forth herein including specifically, the loss of credit; the loss of the ability to purchase and benefit from a line of credit; the loss of time and other frustration and aggravation associated with writing dispute letters; time and money expended meeting with his attorneys;

tracking the status of his disputes; monitoring his credit file; and the mental and emotional pain, anguish, humiliation, and embarrassment of credit denials.” (Compl. ¶ 43.)

4. In response to Interrogatory 7 of Experian’s First Set of Interrogatories—which asked Plaintiff to identify “every application for credit or insurance . . . during the past five years, including whether the application was granted or denied”—Plaintiff responded that he had suffered two credit denials, one on 12/11/15 and another on 12/13/2015. Both denials were after Plaintiff filed his Complaint, rendering paragraph 43’s allegations of suffering caused by credit denials factually impossible.

5. During Plaintiff’s deposition, Plaintiff confirmed that those portions of paragraph 43 of the Complaint were false.

6. Under Rule 11(b), a party presenting to the court a pleading certifies that it has performed an inquiry reasonable under the circumstances and that to the best of the person’s knowledge, information and belief, “the factual contentions have evidentiary support.”

7. Any reasonable inquiry into the allegations of paragraph 43 would have revealed those allegations to be false and without any evidentiary support. Accordingly, Plaintiff and his attorneys have violated Rule 11(b), and sanctions are warranted.

WHEREFORE, Experian respectfully requests that this Court impose appropriate sanctions on Plaintiff, Kenneth Jackson, and his attorneys Sulaiman Law Group under Federal Rule of Civil Procedure 11(c).

Dated: October 14, 2016

Respectfully submitted,

s/ Christopher A. Hall

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Counsel for Defendant

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed using the CM/ECF system, which will effectuate service on all counsel of record.

/s/ Christopher A. Hall